REMARKS / AGRUMENTS

Applicant(s) respectfully traverse this rejection for the reasons set out below, and ask the Examiner for reconsideration.

**Summary of the Office Action**

Claims 1-23 are objected to because of informalities in claims 6, 7, 8, 12, 19 and 20. Claims 1-4, 6-8, 18-20 and 24 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Lee et at (US patent 6,636,527).

**Response to the objection to claims 1-23 on the ground of informalities in claims 6-8, 12 and 19-20**

Claims 6-8, 12 and 19 where objected to because of the term "adapted to", and claim 20 was objected to because of the use of the term "capable", wherein both of those terms where referred to as not being positive recitations.

A search conducted on 11 October 2007 in the USPTO web site (www.uspto.gov) showed that the term "adapted to" appears within the claims of 485885 US patents granted between 1976 to 2007. (Query term was ACLM/"adapted to").

A search conducted on 11 October 2007 in the USPTO web site (www.uspto.gov) showed that the term "Capable" appears within the claims of 232802 US patents granted between 1976 to 2007. (Query term was "ACLM/capable").

The search results just mentioned are enclosed at the end of this letter.

In view of the frequent use of those terms, the applicants maintain that these terms are positive recitations and are even widely spread recitations adopted by many skilled in the art.

Therefore, the objection of claims 6-8, 12, and 19-20 should be overturned.

**Response to the 35 U.S.C. 102(e) rejection of claims 1-4, 6-8, 18-20 and 24**

Claims 1-4, 6-8, 18-20 and 24 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Lee et at (US patent 6,636,527).

Regarding claim 1, the examiner argues that Lee teaches an apparatus (Figs. 1-3) comprising: a transmitter (2) for transmitting information towards at least a first network unit (103) and a second network unit (103); a receiver (6) for receiving information transmitted from at least one network unit (column 3:24-27); and a media access controller (5) for issuing data grants (column 3:24-27); wherein at least one data grant authorizes a first network unit to transmit data at a first bit-rate during at least one time-slot and at least one other data grant authorizes a second network unit to transmit data at a second bit-rate during at least one other time-slot, whereas the second bit-rate differs from the first bit-rate (column 3:1-30).

The applicants respectfully maintain that it is not so.

Lee et al. merely describe an optical line termination in an asynchronous transmission mode includes a downstream frame processing unit for receiving and churning an asynchronous mode cell to generate a downstream frame, and converting a parallel data of the downstream frame into a serial data thereof, a wavelength division multiplexing unit for performing an electro/optical conversion of the serial data of the downstream frame and performing a wavelength division multiplexing thereof, an upstream frame processing unit for extracting data from the wavelength division multiplexing unit, searching an overhead field, delineating a slot boundary, and processing a PLOAM cell and a divided slot separately, a control signal generation unit for performing a MAC protocol and generating variables and timing signals used for the downstream frame processing unit and the upstream frame processing unit, and a control unit for controlling the downstream frame processing unit and the upstream frame processing unit by using the variables and the timing signals from the control signal generation unit.

Lee et al. do not disclose a method nor a system in which the media access controller is adapted to issuing data grants, wherein at least one data grant authorizes a first network unit to **transmit** data at a **first bit-rate** during at least one time-slot and at least one other data grant authorizes a second network unit to **transmit** data at a

**second bit-rate** during at least one other time-slot, whereas the second bit-rate differs from the first bit-rate.

Lee et al. mention that two different bit-streams are possible in the **downstream** of their system, as illustrated in Figure 2A, and described in column 3, lines 1-15. As could be seen in Figure 2B, and as described in column 3, lines 16-30, the **upstream** of the system of Lee at al (which is, specifically, the stream from the optical network units (ONUs) to the optical line termination (OLT)) is uniformly 155.52 Mbps. All through the description the only upstream bit-rate is 155.52 Mbps ("Receiving the data of 155.520Mbps.." column 4:9, "The slot boundary delineating unit 71 receives the upstream serial data of 155.520Mbps.." column 6:11-12, and so forth).

The system of Lee et al. includes an OLT which is adapted to transmit in one of two bit-rates (is it not even explicitly disclosed that the OLT can transmit a first downstream of a first bit-rate to a first ONU and a second downstream of a second bit-rate to another ONU), but is adapted to receive upstream only at a single bit-rate (mentioned in the specification as 155.520Mbps).

Let alone, the system of Lee et al. does not include a media access controller which is adapted to issuing data grants, wherein at least one data grant authorizes a first network unit to **transmit** data at a **first bit-rate** during at least one time-slot and at least one other data grant authorizes a second network unit to **transmit** data at a **second bit-rate** during at least one other time-slot, whereas the second bit-rate differs from the first bit-rate.

Therefore, claim 1 should be allowed. Claims 2-12 which depends on claim 1 should also be allowed.

Referring to claim 13, the examiner argues that Lee et al. disclose a method for allocating upstream bandwidth of a shared upstream channel of an optical network, the optical network interconnecting an apparatus with at least a first network unit and a second network unit, the method comprising the stages of: receiving requests for transmitting information towards the apparatus entity; and issuing data grants in response to the requests; wherein at least one data grant authorizes a first network unit to transmit data at a first bit-rate during at least one time-slot and at least one other data grant authorizes a second network unit to transmit data at a second bit-rate

during at least one other time-slot, whereas the second bit-rate differs from the first bit-rate.

As argued before, Lee et al. does not disclose a system nor a method which includes issuing data grants in response to the requests; wherein at least one data grant authorizes a first network unit to transmit data at a first bit-rate during at least one time-slot and at least one other data grant authorizes a second network unit to transmit data at a second bit-rate during at least one other time-slot, whereas the second bit-rate differs from the first bit-rate.

Therefore, claim 13 should also be allowed.

Claims 14-24 which depend onto claim 13 should also be allowed.

Referring to claim 13, the examiner argues that Lee et al. disclose a computer readable medium having code embodied therein for causing an electronic device to perform the stages of: receiving requests for transmitting information from a network unit, over an optical network, towards an apparatus; and issuing data grants in response to at least the requests; wherein at least one data grant authorizes a first network unit to transmit data at a first bit-rate during at least one time-slot and at least one other data grant authorizes a second network unit to transmit data at a second bit-rate during at least one other time-slot, whereas the second bit-rate differs from the first bit-rate.

As argued before, Lee et al. does not disclose a system, a method or a computer readable code which includes issuing data grants in response to the requests; wherein at least one data grant authorizes a first network unit to transmit data at a first bit-rate during at least one time-slot and at least one other data grant authorizes a second network unit to transmit data at a second bit-rate during at least one other time-slot, whereas the second bit-rate differs from the first bit-rate.

Therefore, claim 24 should also be allowed.

Referring to claims 4 and 16, the examiner argues that the system of Lee et al. conforms to the claimed condition of having the first bit-rate much slower than the second bit-rate, and a reference is given to column 3, lines 1-5.

As argued above, the different bit-rates which are discussed by Lee et al. are **down-streams**, (column 3:1-2), whereas the system and the method of the applicants teaches of different bit-rates of the up-streams, transmitted by the different ONUs.

Therefore, claims 4 and 16 should also be allowed.

Similarly, regarding to claims 3, 6, 7, 8, 10, 11, 12, 15, 18, 19 and 20, the bit-streams mentioned by Lee et al. are down-stream rate-bits, whereas the invention of the applicants refer to upstream bit-rates. All the more so, the grants of Lee at al. do not include one data grant which authorizes a first network unit to transmit data at a first bit-rate during at least one time-slot and at least one other data grant which authorizes a second network unit to transmit data at a second bit-rate during at least one other time-slot, whereas the second bit-rate differs from the first bit-rate.
Therefore, claims 3, 6, 7, 8, 10, 11, 12, 15, 18, 19 and 20 should be allowed.

Claims 2 and 14, which claims the data grants which authorize network units to transmit at least one cell during at least one timeslot refer to the independent claims, in which the one data grant authorizes a first network unit to transmit data at a first bit-rate during the at least one time-slot and the at least one other data grant which authorizes a second network unit to transmit data at a second bit-rate during the at least one other time-slot, whereas the second bit-rate differs from the first bit-rate.
Therefore, the grants disclosed by the applicants substantially differ from those discussed by Lee at al.
Therefore, claims 2 and 14 should be allowed.

**Conclusion**

The applicant believes that in view of these arguments claims 1-24 should be allowed.

Respectfully submitted,

Date: 11 October 2007 /Oren Reches/

Oren Reches, Patent Agent #53506

Reches Patents,

**Customer Number 69054**

# USPTO Patent Full-Text and Image Database



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Refine Search aclm/"adapted to"

| | PAT. NO. | Title |
|---|---|---|
| 1 | 7,281,274 | Electronic media distribution system |
| 2 | 7,281,256 | Disk transport mechanism for a disk drive |
| 3 | 7,281,242 | Flexible and extensible Java bytecode instrumentation system |
| 4 | 7,281,236 | System and methods for developing and deploying a remote domain system |
| 5 | 7,281,217 | System and method for user driven interactive application integration |
| 6 | 7,281,202 | Framework for creating modular web applications |
| 7 | 7,281,162 | Program-controlled unit |
| 8 | 7,281,159 | Managing disk drive replacements on multidisk headless appliances |
| 9 | 7,281,139 | Authenticating legacy service via web technology |
| 10 | 7,281,134 | Method and system for authenticating a security device |
| 11 | 7,281,070 | Multiple master inter integrated circuit bus system |
| 12 | 7,281,064 | System for setting print end notification either when data transmission ends or when printing ends based on print check ability of printing devices |
| 13 | 7,281,046 | Application program interface for automating high speed network access ordering and provisioning processes |
| 14 | 7,281,043 | System for sharing resources among RSVP sessions |
| 15 | 7,280,985 | Logic arrangement, data structure, system and method for multilinear representation of multimodal data ensembles for synthesis, recognition and compression |
| 16 | 7,280,970 | Sonic/ultrasonic authentication device |
| 17 | 7,280,959 | Indexing pulse positions and signs in algebraic codebooks for coding of wideband signals |
| 18 | 7,280,924 | System and process for monitoring the production of synthetic fuel |
| 19 | 7,280,910 | Engine protection method and apparatus, and engine power control method and apparatus for cargo handling vehicle |

20 7,280,906 T Method for detecting misfires of an internal combustion engine and device for carrying out the method
21 7,280,892 T Integrated sap flow monitoring, data logging, automatic irrigation control scheduling system
22 7,280,890 T Method for fabricating sliding vacuum cups
23 7,280,889 T Networkable zone control modules and method and coveyor system incorporating the same
24 7,280,873 T Treatment of oropharyngeal disorders by application of neuromuscular electrical stimulation
25 7,280,871 T Muscle stimulation systems
26 7,280,858 T Pulse oximetry sensor
27 7,280,857 T Mobile communications device having rotating display and camera
28 7,280,847 T System and method for mobile transactions using the bearer independent protocol
29 7,280,838 T Paging transceivers and methods for selectively retrieving messages
30 7,280,822 T Mobile communications matching system
31 7,280,813 T Variable delay radio receiver
32 7,280,802 T FM transmitter and power supply/charging assembly for MP3 player
33 7,280,801 T Reducing interference between different communication systems sharing a common wireless transmission medium
34 7,280,788 T Image forming apparatus and transferring method
35 7,280,776 T Method and apparatus to control waste toner collection in an image forming apparatus
36 7,280,737 T Method and apparatus for discouraging commercial skipping
37 7,280,721 T Multi-ring resonator implementation of optical spectrum reshaper for chirp managed laser technology
38 7,280,656 T Holder for an electronic device
39 7,280,652 T Handheld electronic device having improved phone call log, and associated method
40 7,280,650 T Method and apparatus to manage a conference
41 7,280,642 T Status monitoring system utilizing an RFID monitoring system
42 7,280,623 T Digital RF correlator for multipurpose digital signal processing
43 7,280,612 T Digital branch calibrator for an RF transmitter
44 7,280,607 T Ultra wide bandwidth communications method and system
45 7,280,605 T Orthogonal frequency division multiplexing (OFDM) receiver used in wireless local area network system and symbol timing synchronization method therefor
46 7,280,583 T Method of transmitting data signals between a master station and a plurality of slave stations, master station and slave station
47 7,280,562 T Variable packet lengths for high packet data rate communications
48 7,280,560 T Differentiated services with multiple tagging levels
49 7,280,557 T Mechanisms for providing stateful NAT support in redundant and asymetric routing environments
50 7,280,555 T System and method employing algorithms and protocols for optimizing carrier sense multiple access (CSMA) protocols in wireless networks

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Refine Search aclm/"capable"

| | PAT. NO. | | Title |
|---|---|---|---|
| 1 | 7,281,252 | T | Method, system, and apparatus for implementing object interfaces at runtime |
| 2 | 7,281,251 | T | Device status monitoring system, device status monitoring method, and a data storage medium and object program therefor |
| 3 | 7,281,242 | T | Flexible and extensible Java bytecode instrumentation system |
| 4 | 7,281,237 | T | Run-time verification of annotated software code |
| 5 | 7,281,221 | T | Work cell problem identification and notification system |
| 6 | 7,281,212 | T | Object selection using hit test tracks |
| 7 | 7,281,203 | T | Selecting a DTD for transforming malformed layout expressions into wellformed ones |
| 8 | 7,281,171 | T | System and method of checking a computer system for proper operation |
| 9 | 7,281,168 | T | Failover architecture for local devices that access remote storage |
| 10 | 7,281,155 | T | Semiconductor memory device and method for executing shift redundancy operation |
| 11 | 7,281,146 | T | Dynamic power requirement budget manager |
| 12 | 7,281,135 | T | Pen-based transponder identity verification system |
| 13 | 7,281,122 | T | Method and apparatus for nested control flow of instructions using context information and instructions having extra bits |
| 14 | 7,281,110 | T | Random access memory controller with out of order execution |
| 15 | 7,281,108 | T | Method and apparatus for managing migration of data in a computer system |
| 16 | 7,281,076 | T | Form factor converter and tester in an open architecture modular computing system |
| 17 | 7,281,075 | T | Virtualization of a global interrupt queue |
| 18 | 7,281,072 | T | Redundant external storage virtualization computer system |
| 19 | 7,281,040 | T | Diagnostic/remote monitoring by email |
| 20 | 7,281,036 | T | Method and apparatus for automatic network address assignment |
| 21 | 7,281,032 | T | File sharing system with data mirroring by storage systems |

22 7,280,998 T Virtual data warehousing
23 7,280,985 T Logic arrangement, data structure, system and method for multilinear representation of multimodal data ensembles for synthesis, recognition and compression
24 7,280,970 T Sonic/ultrasonic authentication device
25 7,280,968 T Synthetically generated speech responses including prosodic characteristics of speech inputs
26 7,280,954 T System operation test facilitating program and method
27 7,280,928 T Expendable supplies container capable of measuring residual amount of expendable supplies
28 7,280,904 T Marine vessel running controlling apparatus, and marine vessel including the same
29 7,280,886 T Sewing machine capable of embroidering
30 7,280,881 T Method and system for reducing lead-time in the packaging industry
31 7,280,879 T Interfaces from external systems to time dependent process parameters in integrated process and product engineering
32 7,280,874 T Methods for determining therapeutic resonant frequencies
33 7,280,870 T Optically-connected implants and related systems and methods of use
34 7,280,860 T Noninvasive living body measuring apparatuses
35 7,280,848 T Active array antenna and system for beamforming
36 7,280,838 T Paging transceivers and methods for selectively retrieving messages
37 7,280,835 T Mobile communication system and mobile communication method
38 7,280,833 T Mobile communication terminal, server, communication system, communication control method, and communication control program
39 7,280,832 T Method and apparatus for automatically selecting a bearer for a wireless connection
40 7,280,823 T Method and apparatus for determining the context of a handheld device
41 7,280,821 T Outgoing call handling system and method
42 7,280,796 T Image forming apparatus
43 7,280,773 T Image forming apparatus for determining completion of a toner-end recovery operation
44 7,280,768 T Method and system for handling optical signals
45 7,280,763 T Terminal apparatus and controlling method for optical output power
46 7,280,731 T Stable organic-inorganic materials for waveguides, optical devices, and other applications
47 7,280,730 T Large core holey fibers
48 7,280,718 T Reflective adjustable optical deflector and optical device employing the same
49 7,280,702 T Methods and apparatus for dynamic transfer of image data
50 7,280,666 T Moveable device component with acoustic porting

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